

Message Text

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DRAFTED BY EUR/RPM:EREHFELD

APPROVED BY EUR/RPM:EJSTREATOR

EUR/EX - MR RATTRAY

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TO USMISSION NATO

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SUBJECT: PRIVILEGES AND IMMUNITIES OF AMERICANS

-- SECONDED TO NATO INTERNATIONAL STAFF

REF: (A) USNATO 6271, (B) USNATO A-325, NOV 12,

-- 1968

1. WE HAVE REVIEWED PROBLEM OUTLINED IN REF A IN LIGHT OF PREVIOUS EFFORTS TO OBTAIN DIPLOMATIC PRIVILEGES AND IMMUNITIES FOR U.S. PERSONNEL SECONDED TO THE NATO INTERNATIONAL STAFF. IN VIEW OF REF A, AND IN ACCORDANCE WITH THE RECOMMENDATION IN REF B, A SPECIAL EFFORT WILL BE MADE TO INFORM U.S. PERSONNEL OF THE DIFFERENCES IN PRIVILEGES BEFORE THEY ARE SECONDED TO THE NATO INTERNATIONAL STAFF.

2. WE NOTE FROM REF A THAT BELGIANS ARE UNWILLING TO AP-
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PROVE MISSION PROPOSAL TO PROCESS U.S. PERSONNEL SECONDED

TO THE NATO INTERNATIONAL STAFF AS USNATO PERSONNEL IN ORDER TO GIVE THEM THE SAME PRIVILEGES TO WHICH USNATO PERSONNEL ARE ENTITLED. IT IS ALSO CLEAR THAT U.S. PERSONNEL SECONDED TO THE NATO INTERNATIONAL STAFF ARE IN FACT NOT ASSIGNED TO USNATO. IN ANY EVENT, IN ATTEMPTING TO DEAL WITH DIFFERENCES IN PRIVILEGES, THE DEPARTMENT CANNOT AUTHORIZE USE OF A SUBTERFUGE WHERE THE AGREEMENT WITH THE GOB IS CLEAR.

3. FYI: FOLLOWING RETURN OF FIELDS AND BOYD, THEY HAVE CAREFULLY REVIEWED PREVIOUS EFFORTS TO OBTAIN PRIVILEGES AND IMMUNITIES FOR IS PERSONNEL EQUIVALENT TO THOSE ACCORDED MEMBERS OF US MISSION NATO. REVIEW OF REF B AND OTHER DOCUMENTATION CONCERNING EFFORTS TO OBTAIN EQUIVALENT PRIVILEGES AND IMMUNITIES FOR IS PERSONNEL INDICATES THAT GOB HAS BEEN UNWILLING TO CONFIRM ALLEGED ASSURANCES BY FORMER GOB FONMIN HARMEL THAT IS PERSONNEL IN BELGIUM WOULD ENJOY PRIVILEGES EQUAL TO THOSE ACCORDED IN FRANCE, INCLUDING TAX EXEMPTION WHICH FRENCH GRANTED USG. CONVERSATIONS WITH US OFFICIALS PREVIOUSLY INVOLVED IN THIS MATTER ALSO FAILED TO CONFIRM THAT THE ALLEGED HARMEL ASSURANCE WAS GIVEN. WITHOUT CONFIRMATION IN SOME FORM THAT HARMEL ASSURANCE WAS ACTUALLY MADE, USG IS LEFT WITH ARGUMENT THAT THE WORD QUOTE EMOLUMENTS UNQUOTE IN ARTICLE 19 OF THE OTTAWA AGREEMENT INCLUDES THE RIGHT TO ISSUE IDENTIFICATION CARDS TO US MEMBERS OF IS, WHICH IN TURN WOULD INCLUDE TAX EXEMPTION PRIVILEGE. EVEN THIS ARGUMENT, WERE IT TO BE ADVANCED, IS CONSIDERABLY WEAKENED BY THE LACK OF CONFIRMATION OF THE ALLEGED ASSURANCE BY HARMEL, WHICH HAS BEEN REFUTED IN ANY CASE BY THE GOB IN DE STAERCKE LETTER CONTAINED REF B. UNLESS MISSION HAS VALID CONFIRMATION OF HARMEL STATEMENT, WE SEE NO VIABLE GROUNDS ON WHICH TO PURSUE THIS ISSUE FROM THE LEGAL POINT OF VIEW, AND SEE NO PROSPECT THAT THE BELGIANS ARE PREPARED, FOR POLITICAL REASONS, TO CHANGE THEIR POSITION. END FYI. KISSINGER

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